



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

**Advance Copy by Facsimile**

Fax: (202) 479-1115

Tel: (202) 479-1111

March 25, 2004

Joseph E. Sandler, Esq.  
Sandler, Reiff & Young, P.C.  
50 "E" Street, SE  
Washington, DC 20003

RE: MUR 5328  
Joe Turnham for Congress  
and Pete Turnham, as treasurer

Dear Mr. Sandler:

On February 24, 2004, the Federal Election Commission accepted the signed conciliation agreement submitted on your clients' behalf in settlement of a violation of 2 U.S.C. § 441a(f), a provision of the Federal Election Campaign Act of 1971, as amended. Accordingly, the file has been closed in this matter.

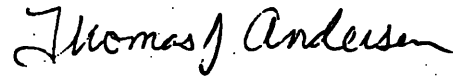
Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondent and the Commission. See 2 U.S.C. § 437g(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that the civil penalty is due within 30 days of the conciliation agreement's effective date. Please also note that, as you have been informed that PAC to the Future and Team Majority have waived their right to any refund of the excessive contribution, Joe Turnham for Congress and Pete Turnham, as treasurer, shall disgorge to the U.S. Treasury \$5,000 within 60 days of the conciliation agreement's effective date. The disgorgement check, made payable to the U.S. Treasury, should reference MUR 5328 and be sent to the Commission.

Joseph E. Sandler, Esq.  
MUR 5328  
Page 2

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

A handwritten signature in cursive script that reads "Thomas J. Andersen".

Thomas J. Andersen  
Attorney

Enclosure  
Conciliation Agreement

24 "04" 407 "1989

1 **BEFORE THE FEDERAL ELECTION COMMISSION**

2  
3 In the Matter of )

4 ) MUR 5328

5 Joe Turnham for Congress and )  
6 Pete Turnham, as treasurer )

7  
8 **CONCILIATION AGREEMENT**

9  
10 This matter was initiated by a signed, sworn, and notarized complaint by Kenneth

11 F. Boehm, Chairman of the National Legal and Policy Center. The Federal Election  
12 Commission ("Commission") found reason to believe that Joe Turnham for Congress and  
13 Pete Turnham, as treasurer ("Respondents"), violated 2 U.S.C. § 441a(f).

14 NOW, THEREFORE, the Commission and Respondents, having participated in  
15 informal methods of conciliation, prior to a finding of probable cause to believe, do  
16 hereby agree as follows:

17 I. The Commission has jurisdiction over Respondents and the subject matter of  
18 this proceeding, and this agreement has the effect of an agreement entered pursuant to  
19 2 U.S.C. § 437g(a)(4)(A)(i).

20 II. Respondents have had a reasonable opportunity to demonstrate that no action  
21 should be taken in this matter.

22 III. Respondents enter voluntarily into this agreement with the Commission.

23 IV. The pertinent facts in this matter are as follows:

24 1. Joe Turnham for Congress is a political committee within the meaning  
25 of 2 U.S.C. § 431(4), and is the authorized principal campaign committee of Joe  
26 Turnham.

27 2. Pete Turnham is the treasurer of Joe Turnham for Congress.

1           3. PAC to the Future and Team Majority are multicandidate committees  
2 registered with the Commission.

3           4. The Federal Election Campaign Act of 1971, as amended ("the Act"),  
4 states that for the purposes of the limitations set forth in 2 U.S.C. § 441a(a), all  
5 contributions made by political committees "established or financed or maintained or  
6 controlled by any . . . person, or by any group of . . . persons, shall be considered to have  
7 been made by a single political committee." 2 U.S.C. § 441a(a)(5). Committees  
8 established, financed, maintained or controlled by the same person or group of persons  
9 are "affiliated" committees. 11 C.F.R. § 100.5(g)(2). Contributions made to or by such  
10 committees shall be considered to have been made to or by a single committee. *Id.*

11           5. PAC to the Future and Team Majority are affiliated within the meaning  
12 of the Act and regulations, and therefore share the same contribution limits.

13           6. An authorized candidate committee may only accept \$5,000 from a  
14 multicandidate PAC during each election. 2 U.S.C. §§ 441a(a)(2)(A), 441a(f). If a  
15 committee accepts contributions that exceed these limits, it must either refund the  
16 excessive contributions or seek redesignation or reattribution within sixty days. *See*  
17 11 C.F.R. § 103.3(b)(3).

18           7. PAC to the Future made a \$5,000 contribution to Joe Turnham for  
19 Congress on June 25, 2002, and Team Majority made a \$1,000 contribution to Joe  
20 Turnham for Congress on September 16, 2002 and a \$4,000 contribution on October 15,  
21 2002. Because the two PACs were limited to making a \$5,000 contribution to any  
22 candidate committee, the contributions made by PAC to the Future and Team Majority,  
23 when aggregated, constituted excessive contributions to Joe Turnham for Congress.

24-04-407-1991

1 V. Respondents accepted excessive contributions totaling \$5,000, in violation of  
2 2 U.S.C. § 441a(f). Respondents will cease and desist from violating 2 U.S.C. § 441a(f).

3 VI. 1. Respondents agree to pay a civil penalty to the Federal Election  
4 Commission in the amount of Two Thousand dollars (\$2,000), pursuant to  
5 2 U.S.C. § 437g(a)(5)(A). Respondents shall have no more than thirty (30) days from the  
6 date this agreement becomes effective to comply with this requirement and to so notify  
7 the Commission.

8 2. Respondents, having received notice that PAC to the Future and Team  
9 Majority have waived their right to any refund, will disgorge to the U.S. Treasury Five  
10 Thousand Dollars (\$5,000) in excessive contributions. Respondents shall have no more  
11 than sixty (60) days from the date this agreement becomes effective to comply with this  
12 requirement and to so notify the Commission.

13 VII. The Commission, on request of anyone filing a complaint under 2 U.S.C.  
14 § 437g(a)(1) concerning the matters at issue herein or on its own motion, may review  
15 compliance with this agreement. If the Commission believes that this agreement or any  
16 requirement thereof has been violated, it may institute a civil action for relief in the  
17 United States District Court for the District of Columbia.

18 VIII. This agreement shall become effective as of the date that all parties hereto  
19 have executed it and the Commission has approved the entire agreement.

20 IX. This Conciliation Agreement constitutes the entire agreement between the  
21 parties on the matters raised herein, and no other statement, promise, or agreement, either  
22

1 written or oral, made by either party or by agents of either party, that is not contained in  
2 this written agreement shall be enforceable.

3 FOR THE COMMISSION:

4 Lawrence H. Norton

5 General Counsel

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8 BY:

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*Rhonda J. Vosdigh*  
Rhonda J. Vosdigh  
Associate General Counsel  
for Enforcement

Date

*3/25/04*

FOR THE RESPONDENTS:

*Neil Reiff*

(Name) Neil Reiff

(Position) Counsel

Date

*12/10/03*

24 "04" 407 "1993